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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 22700 of 2004

Between:

1 Sk. Nagru Meeravali S/o Peda Adam
R/o Munagala Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
2 Shaik Thummala Khasheem S/o Khasheem
R/o Mukundapuram Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
3 Cheema Mallaiah S/o narasaiah
R/o Munagal Village Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
4 Vemula Venkatesarlu S/o Gopaiah
Kokkireni Village Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
5 Vemula Venkaiah S/o Adinarayana
R/o Barakathgudem Village Kerosene Hawkers and residing at Munagala Mandal,
Nalgonda District
6 Pittala Adinarayana S/o Narasimha
R/o Barakathgudem Village Kerosene Hawkers and residing at Munagala Mandal,
Nalgonda District
7 Vemula Koteshwar Rao S/o Balaiah
R/o Jagannadhapuram Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
8 Mekala Gurvaiah S/o Venkaiah
R/o T. Reddy Gudem Village Kerosene Hawkers and residing at Munagala Mandal,
Nalgonda District
9 Chinttala Venkateshwarlu S/o Pitchaiah
R/o GAnapavaram Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
10 SK. Khaseem S/o Khaseem
R/o Madhavaram Village Kerosene Hawkers and residing at Munagala Mandal,

Nalgonda District

11 Shaik Moulali S/o Khasheem
R/o Madhavaram Village Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
12 Sk. Khaseem S/o Khaseemvali
R/o Kolakova Village Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
13 SK. Kasubai S/o Meeravali
R/o Repala of Repala Village Kerosene Hawkers and residing at Munagala Mandal,
Nalgonda District
14 Sk. Meeravali S/o Kamalsab
R/o Tadavi Village Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
15 Sk. Bazi S/o Khaseem
r/o Nelamarri Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
16 Sk. Nagulmeeravali S/o Khasheem
R/o K.R. Puram Village Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
17 Sk. Bazisheereef S/o Khasheem
R/o Akupamulas Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
18 Sk. Khaseemsab S/o Khasheem
R/o Mungala Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
19 Naragani Venkateshwarlu S/o Anjaiah
R/o V.R. Puram Village Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District
20 Valloju Anjaiah S/o Mallaiah
R/o Narayanagudem Kerosene Hawkers and residing at Munagala Mandal, Nalgonda District

..... PETITIONERS

AND

1 The District Collector (CS), Nalgonda, Nalgonda District
2 The Revenue Divisional Officer, Suryapet, Nalgonda District
3 The Mandal Revenue Officer, Munagala Mandal, Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order Writ or Direction more particularly One inthe nature of Writ of mandamus, to declare the action of the 3rd respondnet in canceling the licences of the petitioners by Proc. No. A/1097/04, dt 03-12-2004 is illegal, arbitrary and against the principles of natural justice and also violation of Article 14 and 21 of the Constitution of India and consequently set a side the same, and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO
Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORAL ORDER

Heard the learned counsel for the petitioners and learned Government Pleader for Civil Supplies.

The writ petition is directed against the proceedings of the third respondent dated 03-12-2004 intimating the petitioners, who are kerosene hawkers, that their licences have been cancelled. The impugned order states that the petitioners' licences had earlier been suspended on 07-01-2004 and as against the same, they had preferred an appeal to the second respondent and that the second respondent had dismissed the appeal.

The petitioners complain that the orders of the second respondent dismissing their appeal have not been communicated to them and that no reasons are disclosed in the order of the third respondent impugned herein, as to why their licences have been cancelled. No notice or opportunity was issued to the petitioners before cancellation of their licences. They claim, a claim that is not disputed by the respondents, that they were granted licences for hawking kerosene on various dates since 1990 and that the petitioners had the kerosene hawker licences for more than 10 years.

The impugned order of the third respondent impacts the petitioners with adverse civil consequences. No such order should have been issued without following the principles of natural justice.

The order impugned in this writ petition is accordingly quashed. The writ petition is allowed. It shall, however, be open to the respondents to initiate such steps regarding the kerosene hawking licences of the petitioners as is considered appropriate, but in accordance with the due process of law. No order as to costs.

GODA RAGHURAM,J

22ND FEBRUARY 2005

*TSNR

that Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Guipta, the Chief Justice on this Tuesday the 22nd day of February Two thousand and five.

TO

1 The District Collector (CS), Nalgonda, Nalgonda District
2 The Revenue Divisional Officer, Suryapet, Nalgonda District
3 The Mandal Revenue Officer, Munagala Mandal, Nalgonda District

4. Two CCs to GP for CIVIL SUPPLIES, High Court Buildings, High Court of A.P.hyderabad(OUT)

5. Two C.D.Copies.